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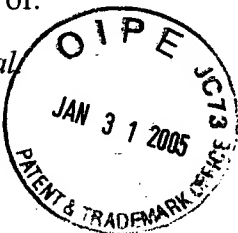
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Joseph R. BYRUM *et al.*

Appl. No.: 09/531,113

Filed: March 22, 2000



Confirmation No.: 4899

Art Unit: 1637

Examiner: Cynthia B. Wilder

Atty. Docket: 16517.313

For: Nucleic Acid Molecules and Other Molecules Associated with Plants

**Notice of Appeal from the Examiner to the  
Board of Patent Appeals and Interferences**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Attn: Mail Stop AF*

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed October 29, 2004, that resulted in Applicants having claims that have been twice or finally rejected.

Authorization to charge the official fee for this filing is given in the accompanying transmittal letter.

Respectfully submitted,

Thomas E. Holsten (Reg. No. 46,098)  
David R. Marsh (Reg. No. 41,408)

Date: January 31, 2005 (Monday)

Of Counsel:

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Adjustment date: 02/03/2005 HBEYENE2 09531113  
03/10/2004 SSANDARA 00000006 502387  
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January 31, 2005

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Art Unit: 1637  
Examiner: C.B. Wilder  
Conf. No.: 4899

Re: U.S. Patent Application No. 09/531,113 filed March 22, 2000  
Inventors: Joseph R. BYRUM *et al.*  
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants  
Atty. Dkt: 16517.313

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

It is noted that applicants filed a Notice of Appeal in the above-identified application on January 9, 2004, including authorization to charge \$330 (statutory fee for filing an appeal on January 9, 2004) to counsel's deposit account, and an Appeal Brief (with requisite fee) was subsequently filed on March 9, 2004. On May 6, 2004, Examiner Wilder withdrew the case from appeal and issued a non-final action. Therefore, applicants believe that fee due in the instant case is the difference between the fee paid on January 9, 2004 and the current fee of \$500 for filing an appeal. Authorization is hereby given to charge \$170.00 for filing this Notice of Appeal to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.313. A duplicate copy of this letter is enclosed.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby

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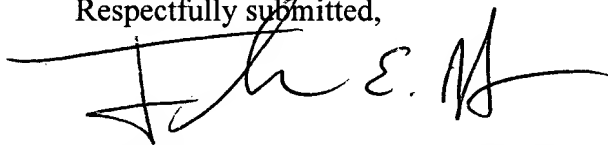
ARNOLD & PORTER LLP

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Commissioner for Patents  
January 31, 2005  
Page 2

authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387,  
referencing docket number 16517.313. A duplicate copy of this letter is attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. E. Holsten', with a long horizontal flourish extending to the right.

Thomas E. Holsten (Reg. No. 46,098)

Enclosures